STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of D.R.U. and S.J.R., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SHANNON MARIE WASON f/k/a SHANNON MARIE UNDERWOOD,

Respondent-Appellant,

and

GERALD DAVID PADDOCK and DEWAYNE DAVID ROGERS,

Respondents.

UNPUBLISHED
January 14, 2003

No. 241998
Kalamazoo Circuit Court
Family Division
LC No. 99-000262-NA

Before: Meter, P.J., and Neff and Donofrio, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor Indian children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

To terminate parental rights, the trial court must determine that at least one of the statutory grounds for termination contained in MCL 712A.19b(3) was satisfied by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). This Court reviews a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

Where, however, the state institutes proceedings to terminate a parent's rights to an Indian child, the petitioner must not only satisfy state law requirements, but must also satisfy certain mandates imposed by federal law. 25 USC 1912(d), provides in pertinent part that:

> Any party seeking to effect a foster care placement of or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful.

Additionally, an order terminating parental rights to an Indian child may not enter absent "a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent . . . is likely to result in serious emotional or physical damage to the child. 25 USC 1912(f); MCR 5.980(D).

We hold that the trial court did not err in finding, beyond a reasonable doubt, that the FIA engaged in active efforts to provide remedial and rehabilitative services designed to avoid the dissolution of this Indian family as required by 25 USC 1912(d). The children were removed from respondent-appellant's care largely due to respondent's poor choices regarding child care and her failure to minimally provide for her children's welfare by maintaining suitable housing and steady employment. In an effort to reunite this family, the FIA provided a caseworker that developed a parent/agency treatment plan as well as made numerous referrals for housing, employment, and parenting classes from the time that the children were removed from respondent-appellant's custody up until the legal process to terminate her parental rights was initiated. The record is clear that the FIA made active efforts to provide the requisite remedial and rehabilitative services necessary to return her children to her custody and care. That these efforts were ultimately unsuccessful is not the FIA's failure.

Further, the trial court did not err in finding, beyond a reasonable doubt, that returning the children to respondent-appellant's care would likely result in serious emotional or physical damage to the children. The expert testimony adduced at trial established that respondent-appellant has a narcissistic personality, she places her needs above all others, she continuously displays poor judgment, she engages in pathological attention-seeking conduct, and she has a tendency to repeat the same acts of neglect and abuse many times over. Moreover, expert testimony established that respondent-appellant displayed little insight into why her children were removed from her custody and also failed to appreciate her own role in their ultimate removal. The evidence produced at trial revealed that in respondent-appellant's own mind, all is well in her life, which results in little motivation to affect any change. All of the experts that testified at trial unanimously and unequivocally agreed that returning the minor children to respondent-appellant's custody and care would likely result in serious emotional and physical harm to the children.

Finally, we hold that the trial court did not clearly err in finding statutory grounds for termination where evidence established that respondent-appellant had an ongoing history of housing, employment, and parenting instability. The testimony adduced at trial demonstrated that termination of respondent-appellant's parental rights was warranted on the ground that 182 days elapsed since entry of the original dispositional order, the conditions that led to the children's removal persisted, and there is no reasonable likelihood that they would be rectified in a reasonable amount of time, MCL 712A.19b(3)(c)(i), respondent-appellant could not provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the children would be harmed if returned to respondent-appellant's custody, MCL 712A.19b(3)(j).

Because the evidence did not establish that termination is clearly not in the children's best interests, MCL 712A.19b(5), *In re Trejo Minors*, 462 Mich 341, 353, 356-357; 612 NW2d 407 (2000), the trial court did not err in ordering termination of respondent-appellant's parental rights.

Affirmed.

/s/ Patrick M. Meter
/s/ Janet T. Neff
/s/ Pat M. Donofrio